



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 1329-00

10 August 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 March 1988 at age 17. The record reflects that you served without incident until 23 August 1991, when you received nonjudicial punishment for larceny and wrongful appropriation.

On 24 September 1991 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to commission of a serious offense. When informed of the recommendation, you elected to waive your rights to consult with counsel and to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 11 October 1991.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity, a letter from the purported victim, and the contention that you were not afforded your rights. However, the

Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offenses. In this regard, it is clear from the record that you waived all your rights, including the right to consult counsel. Therefore, the Board concluded that no change to the discharge is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director